

**The following bills have been enacted into law during the  
2005 Vermont Legislative Session:**

H.241 was signed into law by Governor James Douglas on June 1, 2005,  
with an effective date of September 1, 2005.

**NO. 34. AN ACT RELATING TO PROHIBITION OF SMOKING IN ALL PUBLIC  
PLACES.**

(H.241)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. § 1741(2) is amended to read:

(2) "A place of public access" means any place of business, commerce, banking, financial service, or other service-related activity, whether publicly or privately owned and whether operated for profit or not, to which the general public has access or which the general public uses, including buildings, offices, means of transportation, common carrier waiting rooms, arcades, restaurants, bars and cabarets, retail stores, grocery stores, libraries, theaters, concert halls, auditoriums, arenas, barber shops, hair salons, laundromats, shopping malls, museums, art galleries, sports and fitness facilities, planetariums, historical sites, ~~and~~ common areas of nursing homes, hospitals, resorts, hotels and motels, including the lobbies, hallways, elevators, restaurants, restrooms ~~and~~, cafeterias, and buildings or facilities owned or operated by a social, fraternal, or religious club.

Sec. 2. 18 V.S.A. § 1743 is amended to read:

§ 1743. EXCEPTIONS

The restrictions in this chapter on possession of lighted tobacco products shall not apply to:

~~(1) buildings owned and operated by social, fraternal, or religious organizations when used by the membership of the organization, their guests or families, or any facility that is rented or leased for private functions from which the public is excluded and for which arrangements are under the control of the sponsor of the function;~~

~~(2) workplace~~ Workplace smoking areas designated under ~~chapter 28~~, subchapter 2 of chapter 28 of this title;

~~(3) areas~~ (2) Areas not commonly open to the public of owner-operated businesses with no employees;

~~(4) areas designated as smoking areas under section 1744 of this title.~~

Sec. 3. REPEAL

Section 1744 of Title 18 is repealed.

Sec. 4. EFFECTIVE DATE

This act shall take effect on September 1, 2005.

Approved: June 1, 2005

**Bill:        H.48    WINE AUCTIONS BY NONPROFIT  
   ORGANIZATIONS**

H.48 was signed into law by Governor James Douglas on June 2, 2005,  
with an immediate effective date of June 2, 2005.  
TITLE 7 V.S.A. § 4 is added to read:

§ 4. NONPROFIT ORGANIZATIONS; WINE AND BEER  
AUCTIONS;  
FUNDRAISING

- (a) A nonprofit organization qualified for tax exempt status pursuant to Section 501(c) of the Internal Revenue Code, as amended, in the discretion of the commissioner, may auction vinous or malt beverages, or both, to the public without a license, provided that:
  - (1) Prior to the auction, the organization provides written notification of the auction accompanied by documentation of its nonprofit status satisfactory to the commissioner.
  - (2) The commissioner approves the organization's nonprofit qualifications and the organization's right to auction vinous or malt beverages.
  - (3) The profits from the auction sale of beverages are used solely for the expenses of the nonprofit organization to conduct the sale or for the nonprofit purposes of the organization.
- (b) A person who donates vinous or malt beverages to a nonprofit organization for an auction under this section is not required to be licensed under this chapter.
- (c) A licensee under this title may donate beverages to a nonprofit organization pursuant to this section, provided the licensee pays to the state all the taxes due as if the beverages had been sold in the course of the licensee's business.
- (d) If an auction under this section is conducted on the premises of a licensee under this title, beverages donated for auction may be given and accepted without including the beverages on the licensee's invoice.
- (e) A purchaser of beverages auctioned by a nonprofit organization pursuant to this section shall not be responsible for payment of any sales tax.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.      Approved: June 2, 2005

**NOTE: THERE IS NO FEE FOR THIS APPLICATION PROCESS**